

ANNA MARIE RICHMOND
ATTORNEY AT LAW

Via CM/ECF

December 22, 2022

Honorable Leslie G. Foschio
US Magistrate Judge
US District Court
2 Niagara Square
Buffalo, NY 14201

Re: Klymn v. Monroe County Supreme Court, et
al., 21-cv-6488 – JLS-LGF

Dear Judge Foschio:

I write with the consent of Counsel for all parties, with two requests concerning scheduling.

On November 16, 2022, Your Honor entered an Order directing the parties to submit a proposed case management order by December 28, 2022. Item No. 60. Issue has not yet been joined in this action. Pursuant to a so-ordered stipulation, plaintiff was to file and serve a Second Amended Complaint by December 21, 2022. Items Nos. 61, 62, 64. On December 21, 2022, Plaintiff filed a motion for permission to amend her complaint. Item 65. Some or all of the Defendants are expected to oppose the motion.

The parties have conferred concerning Defendants' time to respond to the motion to amend the complaint, and have agreed to extend Defendants' deadline to respond to the motion until February 28, 2023, and to extend Plaintiff's deadline to reply until March 28, 2023.

Under the circumstances the parties respectfully suggest that it is premature to enter a case management order before the Court has ruled on the pending motion for permission to further amend the Complaint.

We therefore request the following:

- 1) Would you please vacate or modify your prior Order (Item No. 60), and allow us to submit a proposed Case Management Order after Answers are filed.
- 2) Would you please vacate or modify your scheduling order issued yesterday (Item No.

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66), to set Defendants' deadline to respond to the motion to amend at February 28, 2023, and Plaintiff's deadline to reply at March 28, 2023.

Thank you for your attention to this matter.

Very truly yours,

/s/ *Anna Marie Richmond*

Anna Marie Richmond

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